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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,103	06/25/2001	Takahiro Ishizuka	003510-099	7294
7590 12/16/2005			EXAMINER	
Platon N. Mandros			SHOSHO, CALLIE E	
BURNS, DOA	NE, SWECKER & MA			
P.O. Box 1404			ART UNIT	PAPER NUMBER
Alexandria, VA 22313-1404			1714	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 37 CFR 1.136(a). In a event, however, may a reply be timely filed after 50 (c) MONTHS from the malting date of this communication. Failube to reply within the act or extended period for reply will, by statute, cause the application to become ABADONED (53 U.S. C, \$133). Any reply received by the Office later than three morths after the mailing date of this communication, even if timely filed, may reduce any sanined patter tham adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on @9 September 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 3-7.9-11.13-17 and 21 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 3-7.9-11.13-17 and 21 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) The psecification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) All by Carlinded copies of the priority documents have been received in Application No. 11) All by All by Carlinded copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certifi							
Examiner		Application No.	Applicant(s)				
Callie E. Shosho 1714 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extension from may be available under the provisional 37 CRT. 136(b). In no event, however, may a leaply be time-fixed. 1 BYO period for reply is expelled above, the machinum statutory period will apply and will expire SIX (8) MONTHS from the mailing data of this communication. Failurs to reprove which the sole or extended period for reply is specified above, the machinum statutory period will apply and will expire SIX (8) MONTHS from the mailing data of this communication. Failurs to reprove which the sole or administration and administration. Failurs to reprove which the sole or administration and administration. Failurs to reprove which the sole or administration and administration and administration. Failurs to reprove the sole of the communication. Failurs to reprove the sole of the communication. Failure to reprove the sole of the	Office Astion Summer	09/887,103	ISHIZUKA, TAKAHIRO				
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DETAILED ACTION

1. All outstanding rejections are overcome by applicants' amendment filed 9/9/05.

However, upon reconsideration of the claims, new grounds of rejection are set forth below and thus, the following action is non-final.

Claim Objections

2. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 14, which depends on claim 21, recites that the colored particulates are prepared by emulsification by one of pouring water into an organic solvent phase containing the block copolymer and the oil-soluble dye or pouring the organic solvent phase into water. Claim 21 recites the method comprising emulsifying and making into particulates an organic solvent phase, which contains block copolymer and the oil-soluble dye, by either adding water to the organic solvent phase or adding organic solvent phase into water. Thus, claim 14 fails to further limit the claim on which it depends, namely claim 21, given that claim 14 appears to recite the same method as claim 21. That is, claim 14 recites method of making colored particles which method is already disclosed in claim 21. Thus, claim 14 fails to further limit the scope of claim 21.

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Art Unit: 1714

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3-7, 9-11, 13-17, and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 21 recites "a co-emulsification dispersion method for producing an ink jet ink". It is the examiner's position that this phrase fails to satisfy the written description requirement under the cited statute since there does not appear to be a written description requirement of the cited phrase in the application as originally filed, *In re Wright*, 866 F.2d 422, 9 USPQ2d 1649 (Fed. Cir. 1989) and MPEP 2163.

Claim 21 was added in the amendment filed 8/21/03. As support for such addition, applicants pointed to page 52, lines 3-9 of the present specification. However, upon reconsideration, it is the examiner's position that while this portion of the specification provides support to recite that the colored particulate dispersion of the present invention is prepared by coemulsification dispersion method, this does not provide support to recite that the ink is prepared by coemulsification method, That is, there is no support in the specification as originally filed to recite coemulsification method for producing an ink jet ink, there is only support to recite coemulsification method for producing colored particulate dispersion.

Application Number: 09/887,103

Art Unit: 1714

Claim Rejections - 35 USC § 112

- 5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. Claims 3-7, 9-11, 13-17, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- (a) Claim 6, which depends on claim 21, recites that the block copolymer is formed from a hydrophobic segment A and a hydrophilic segment B while claim 21 also recites that the block copolymer is formed from a hydrophobic segment and a hydrophilic segment. In light of the claim language of claim 6, i.e. "a hydrophobic segment and "a" hydrophilic segment, the scope of claim 6 is confusing because it is not clear if the hydrophobic segment and the hydrophilic segment of claim 6 are the same or different from the hydrophobic segment and hydrophilic segment of claim 21. If they are the same, it is suggested that claim 6 is amended, for instance, to recite "wherein the block copolymer is AB type, B¹AB² type, or A¹BA² type, where A¹ and A² maybe the same or different, B¹ and B² may be the same or different and wherein A is the hydrophobic segment and B is the hydrophilic segment".
- (b) Claim 10, which depends on claim 21, recites the limitation "the vinyl monomer" and "the hydrophobic segment A" in line 3. There is insufficient antecedent basis for this limitation in the claim given that there is no disclosure of vinyl monomer or hydrophobic segment A in claim 21.

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- (c) Claim 14, which depends on claim 21, recites that the colored particulates are prepared by emulsification by one of pouring water into an organic solvent phase containing the block copolymer and the oil-soluble dye or pouring the organic solvent phase into water. Claim 21 recites the method, i.e. referring to making the ink, comprising emulsifying and making into particulates an organic solvent phase, which contains block copolymer and the oil-soluble dye, by either adding water to the organic solvent phase or adding organic solvent phase into water. Thus, the scope of claim 14 is confusing because it is not clear if claim 14 refers to making colored particulates that is in addition to the method steps described in claim 21 as cited above or if the method disclosed in claim 14 is the same as that disclosed in claim 21. Clarification is requested.
- (d) Claim 21 recites "wherein the method comprises emulsifying and making into particulates an organic solvent phase, which contains block copolymer and the oil-soluble dye, by either adding water to the organic solvent phase or adding organic solvent phase into water". The scope of the claim is confusing given that the above phrase refers to method of producing the ink while the steps recited appear to refer to method for producing colored particulates. Thus, the scope of the claim is confusing because it is not clear what is being claimed, a method of making the ink or a method of making the colored particulates. Clarification is requested.
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

Art Unit: 1714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Callie E. Shosho Primary Examiner Art Unit 1714

CS 12/9/05